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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,388	08/06/1999	ROBERT BELETSKY	01-0941-556	8059

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/370,388

Applicant(s)

BELETSKY, ROBERT

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,8-10,14 and 15 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 8-10, 14, and 15 are allowed.

The indicated allowability of claim 3 is withdrawn in view of reviewing the claim in light of pending claim 1 for compliance with 35 U.S.C. 112, second paragraph. The inconvenience to applicant is regretted.

### ***Election/Restrictions***

Claims 12 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "said front wall" (line 2) lacks clear antecedent basis. It appears that this should be changed to --said front panel-- so as to conform to the language of pending claim 1.

### ***Response to Arguments***

Art Unit: 3677

Applicant's arguments filed October 28, 2002 have been fully considered but they are not persuasive. Applicant states that withdrawn claims 12 and 13 should be rejoined since they depend from an allowed generic claim in the amendment received October 28, 2002 (Paper No. 16). Claims 12 and 13 are dependent upon claim 10, which depends from claim 1. However, applicant provides no evidence from the specification to support the assertion that claims 1 and 10 are generic and the prosecution history indicates shows that applicant has not identified "pending" claim 1 as being generic.

The original election requirement (Paper No. 3, mailed August 1, 2000) identified the sliding locking member corresponding to figures 7-17 as "Species II" and identified the rotating locking member corresponding to figures 18-27 as "Species III". It further identified originally submitted claims 1, 10, 14, 15 and 17 as generic.

Applicant recognized claims 1, 10, 14, 15 and 17 as generic in the paper received September 5, 2000 (Paper No. 4) and that claims 1-11 and 14-18 read on the elected Species I, comprising figures 1-6. Subsequently, applicant amended claim 1 in the paper received April 23, 2001 (Paper No. 7) to incorporate the subject matter of claim 5 (Remarks, page 9, ¶12). The substance of this amendment remains in pending claim 1. The incorporation of claim 5, which applicant doesn't identify as generic but specific to Species I, into claim 1 renders improper applicant's statement (Paper No. 16, ¶13, line 2-3) that pending claims 1 and 10 are generic.

Originally submitted claim 1 was generic. It claimed "manually controlled means engaging the prongs of said male buckle part for selectively preventing the flexing of said prongs and release of said buckle parts". Pending claim 1 states there is "a

Art Unit: 3677

cantilevered resilient member formed integrally with said male buckle part located within the recess of said female part when said buckle is engaged" (lines 9-10) and "a manually controlled button on said resilient member normally positioned in said aperture, said resilient member carrying means engaging the prongs of said male buckle part for ... parts, wherein said means which normally engage said prongs releases said prongs upon operation of said button" (lines 16-20). This language in pending claim 1 is descriptive of Species I, alone.

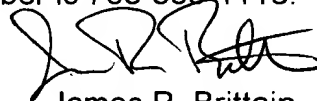
The sliding lock of Species II, figures 7-17, is mounted in aperture, O, of the female buckle and is provided with a pair of detent members 67, 69 to indicate the transition in the operating condition of the sliding lock, so that the sliding lock is carried only on the female buckle. The forked end of the cantilevered member extends through the sliding lock with the screw 85 sliding between the tines of the forked end of the cantilevered member as the male buckle is inserted or withdrawn from the female buckle to separation where the sliding lock is no longer in contact with the cantilevered member. In comparison, claim 1 indicates that there is a manually controlled button on the cantilevered resilient member of the male buckle, the cantilevered resilient member carries the means that normally engages the prongs for selectively preventing their flexure and that the manually controlled button operates to release the means that normally engages the prongs. This structure of claim 1 requires both the button and means normally engaging the prongs to be on the male buckle, not the female buckle, and is specific to elected Species I while not including Species II.

Art Unit: 3677

The rotating lock of Species III, figures 18-27, can be mounted on the cantilevered member as shown in figure 23. Restating, claim 1 indicates that there is a manually controlled button on the cantilevered resilient member of the male buckle, the cantilevered resilient member carries the means that normally engages the prongs for selectively preventing their flexure and that the manually controlled button operates to release the means that normally engages the prongs. This structure of claim 1 requires that the cantilevered member be resilient. The disclosure does not indicate that the cantilevered member for this species is resilient.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
January 10, 2003